



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/911,405 07/10/92 FENN

J 840,004

EXAMINER

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25M1

ART UNIT

PAPER NUMBER

2506

6

DATE MAILED: 04/12/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice re Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-66 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☒ Claims 1-13 have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 14-66 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☒ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
- ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit 2506

Claims 29, 44 and 56 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 29, line 6, the word "distinct" should be changed to --discrete--.

In claim 44, line 5, the term "a sub-population" should be changed to --a first sub-population-- for providing the difference with the term "a second sub-population."

In claim 56, line 13, insert --i beginning with a minimum value-- for providing the integral value of the sub-population.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-66 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fenn et al.

The population of multiply charged ions, derived from a polyatomic parent molecular species each molecular or all molecules of the polyatomic parent molecular species having substantially the same molecular weight or two or more distinct polyatomic parent molecular species each molecule of each of the distinct polyatomic parent molecular species having substantially

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the same molecular weight, which consists a plurality of sub-populations appears to be inherently in the Fenn et al. apparatus. Therefore, the rejection is based on "inherence" under 35 U.S.C. 102. In re Fitzgerald 205 U.S.P.Q. 594.

Fenn et al. disclose a process and apparatus for changing the energy of charged particles contained in a gaseous medium comprising means for supplying a solution to needle 21, means for applying an electric field 33 to the solution, means for dispersing the solution as charged droplets in chamber 22 which is maintained at substantially atmospheric pressure and means for applying a bath gas 23 and 24.

The following references are cited as art interest; Carroll et al., Morris and Zhou.

Any inquiry concerning this communication should be directed to K. Nguyen at telephone number (703) 308-4855.


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SUPERVISORY PATENT EXAMINER
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KN

Nguyen/tj
April 08, 1993